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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,897	08/07/2000	David T. Chang	M-9251US	2953
22883 7590 11/27/2007 SWERNOFSKY LAW GROUP PC P.O. BOX 390013 MOUNTAIN VIEW, CA 94039-0013			EXAMINER BURGESS, BARBARA N	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/632,897

Applicant(s)

CHANG ET AL.

Examiner

Barbara N. Burgess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16 and 21-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 21-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This Office Action is in response to Amendment filed August 30, 2007. Claims 1-14, 16, 21-34 are presented for further examination.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 7-21, 26- 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diwan (US Patent 6,801,936) in view of Sahai et al. (hereinafter "Sahai", US Patent 6,594,699 B1).

As per claim 1, Diwan discloses a method for customizing a structured markup language document and delivering said customized structured markup language document to an in Internet appliance, comprising:

- Identifying information units in an original structured markup language document (column 1, lines 25-30, 35-40, column 2, lines 4-7, 48-52, column 3, lines 15-18, 30-33);
- Selecting one or more of said information units for delivery (column 5, lines 31-34, 50-59, 66-67, column 6, lines 1-5);

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- Creating in a database a second structured markup language document including said one or more of said information units (column 1, lines 48-52, 58-60, column 2, lines 44-48, column 4, lines 10-23, 38-40, 46-50, 61-65, column 5, lines 1-10, 38-45, column 6, lines 6-8); and
- Delivering to said internet appliance a menu for selection of at least said second structured markup language document, said menu including as a selection item at least a bookmark representing said second structured markup language document (column 1, lines 60-63, column 2, lines 45-48, column 6, lines 17-20).

Diwan does not explicitly disclose:

- Said structured markup language document customized according to capabilities of and for delivery to said Internet appliance.

However, in an analogous art, Sahai discloses system that adapts the media format to the client capabilities and adapts the streaming process according to the client capabilities (column 2, lines 1-5, 9-11, 20-26, 61-65, column 3, lines 15-22).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to incorporate or implement Sahai's customizing according to capabilities of and delivery to the internet appliance in Diwan's method in order for the user to view multimedia streams.

As per claim 3, Diwan discloses a method as in Claim 1, further comprising creating a menu including said information units, said menu being adapted for selection by a

user and being presented to said user on a graphical display (column 3, lines 47-50, column 5, lines 27-30).

As per claim 7, Diwan discloses a method as in Claim 1, further comprising, prior to said identifying, specifying said structured markup language document from by a uniform resource locator (URL) (column 2, lines 46-47, 59-61, column 3, lines 8-11).

As per claims 8, Diwan discloses a method as in Claim 1, further comprising, prior to said identifying, selecting said structured markup language document from a list of bookmarks (column 3, lines 47-50, column 5, lines 27-30).

As per claim 9, Diwan discloses a method as in Claim 1, wherein said Internet appliance includes means for determining the Internet appliance's geographical location (column 4, lines 52-60).

As per claim 10, Diwan discloses a method as in Claim 9, further comprising including in said second document pre-configured resources (column 5, lines 27-35).

As per claim 11, Diwan discloses a method as in Claim 10, wherein said pre-configured resources comprises location-specific information (column 4, lines 55-60).

As per claim 12, Diwan discloses a method as in Claim 10, wherein said pre-configured resources are updated at specified time intervals (column 3, lines 30-34).

As per claim 13, Diwan discloses a method as in Claim 1, wherein said second document is adapted for display on said internet appliance in accordance with a profile of said internet appliance (column 1, lines 60-63, column 2, 45-48, column 6, lines 17-20).

As per claim 14, Diwan discloses a method as in Claim 13, further comprising, prior to said selecting, creating said profile of said Internet appliance (column 4, lines 45-55).

As per claim 16, Diwan discloses a method of Claim 1, further comprising, prior to said delivery, presenting on said internet appliance a menu for selection, said menu including as a selection item a bookmark representing said second structured markup language document (column 5, lines 20-30).

As per claim 21, Diwan discloses a document customization system, comprising:

- A management server offering a document customization service to a user (column 4, lines 61-67, column 5, lines 4-10);

- A document manager associated with said management server for performing said document customization service to structured documents identified by said user (column 5, lines 28-36);
- A database accessible by said document manager, said database storing customized structure documents resulting from said document manager performing said document customization service (column 4, lines 46-58);
- A portal for accessing said customized structured documents in said database via bookmarks representing at least said customized web pages (column 4, lines 38-45).

Diwan does not explicitly disclose:

- Said structured document customized according to capabilities of and for delivery to said Internet appliance.

However, in an analogous art, Sahai discloses system that adapts the media format to the client capabilities and adapts the streaming process according to the client capabilities (column 2, lines 1-5, 9-11, 20-26, 61-65, column 3, lines 15-22).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to incorporate or implement Sahai's customizing according to capabilities of and delivery to the internet appliance in Diwan's method is order to for the user to view multimedia streams.

As per claim 22, Diwan discloses a document customization system as in Claim 21, wherein said portal is customized for access by an Internet appliance (column 6, lines 1-5).

As per claim 26, Diwan discloses a document customization system as in Claim 21, wherein said management server provides a web page based interface to said document manager (column 5, lines 62-67).

As per claim 27, Diwan discloses a method and database as in Claims 1 and 21, wherein said second structured document is associated in said database with a specified user (column 4, lines 39-55).

As per claim 28, Diwan discloses a method database as in Claims 17 and 21, further comprising a site record associated with said user client record, said site record representing a specified resource (column 4, lines 37-60).

As per claim 29, Diwan discloses a document customization system in Claim 21, wherein said database comprises:

- A user record identifying a user (column 4, lines 38-45);
- A device record identifying an internet appliance (column 3, lines 47-55);
- A client record identifying a browser running on said internet appliance (column 5, lines 40-47);



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- A user client record associating said user record with said client record (column 4, lines 35-44);
- A device profile record associating said user client record with said device record (column 4, lines 32-44).

As per claim 30, Diwan discloses a document customization system as in Claim 29, wherein said database further comprises a channel record associated with said user\_client record, said channel representing a pre-configured resource (column 4, lines 37-45)

As per claim 31, Diwan discloses a document customization system as in Claim 29, wherein said database further comprising a site record associated with said user client record, said site record representing a specified resource (column 4, lines 37-65).

As per claim 32, Diwan discloses a document customization system as in Claim 31, said database further comprises a customization record associated with said site record, said customization record representing modification of said resource in accordance with said device profile record (column 4, lines 37-60).

As per claim 33, Diwan does not explicitly disclose a method of claim 1, wherein the capabilities of said internet appliance comprise bandwidth capability of said internet appliance.

However, in an analogous art, Sahai discloses the server determining the correct bit rate, appropriate media asset type, sufficient bandwidth based on client capability information (column 6, lines 35-50).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to incorporate or implement Sahai's internet appliance comprise bandwidth capability of the internet appliance in Diwan's method in order to reserve the necessary resources to enable the server media streaming process.

As per claim 34, Diwan does not explicitly disclose a method of claim 1, wherein the capabilities of said internet appliance comprise display capability of said internet appliance. However, in an analogous art, Sahai discloses capabilities of a client including client hardware type such as TV set top, PC, lap top, CPU processing power and speed, system software capabilities, etc. (column 3, lines 20-65).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to incorporate or implement Sahai's internet appliance comprise display capability of the internet appliance in Diwan's method in order to reserve the necessary resources to enable the server media streaming process.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diwan (US Patent 6,801,936) in view of Sahai et al. (hereinafter "Sahai", US Patent 6,594,699 B1) and in further view of Katariya et al. (hereinafter "Kat", US Patent Publication 2002/0091789 A1).

As per claim 2, Diwan, in view of Sahai, does not explicitly disclose a method as in Claim 1, wherein said second structured markup language document comprises an XML document. However, the use and advantages for using such document is well known to one skilled in the relevant art at the time the invention was made as evidenced by Kat (paragraph [0028]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate the use of an XML document in Diwan's method in for industries to create their own customized markup languages for exchanging information.

4. Claims 4-6, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diwan (US Patent 6,801,936) in view of Sahai et al. (hereinafter "Sahai", US Patent 6,594,699 B1) and in further view of Feinleib (US Patent 6,272,532 B1).

As per claims 4-6, 23-25, Diwan does not explicitly disclose a method as in Claim 1, wherein said Internet appliance comprises a personal digital assistant, a mobile telephone, and a hand-held computer. However, the use and advantages for using a pda, mobile telephone, and hand-held computer is well known to one skilled in the relevant art at the time the invention was made as evidenced by Feinleib (column 1, lines 25-35).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate sending to a personal digital assistant, mobile telephone, and hand-held computer in Diwan's method in order to receive email messages.

### ***Response to Arguments***

5. Applicant's arguments filed have been fully considered but they are not persuasive.

#### **The Office notes the following arguments:**

- (a) The references do not relate to structured markup language documents, e.g. XML webpages.
- (b) The combined references do not teach enabling the user client to select, via a menu, to have alternate version delivered to the client.
- (c) Diwan does not create a second customized alternate markup language document.
- (d) There is no mention of bookmarks let alone a bookmark representing an address of an alternate version.

#### **In response to:**

- (a) Diwan teaches customizing Internet information (documents) such as streaming media, weather reports, stock quotes, sports scores, news headlines, etc. This

information is presented via webpages/websites. Because the information (documents) are presented via Internet webpages, it is markup language documents (column 3, lines 18-20, 30-35, column 4, lines 55-60).

Therefore, Diwan indeed discloses structured markup language documents.

(b) Diwan teaches presenting the user with a list (menu) of information (documents) that can be accessed by the user (column 5, lines 28-35).

(c) Diwan teaches bundling information for delivery to the client device. The information can be sent in audio or text format according the user's preference (column 4, lines 17-24).

Sahai further teaches formatting information for delivery according to the capabilities of the appliance (column 5, lines 38-45, column 6, lines 9-15, 38-45).

(d) Diwan teaches presenting the user with an ID address of the customized information (document) (column 5, lines 50-59).

### ***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

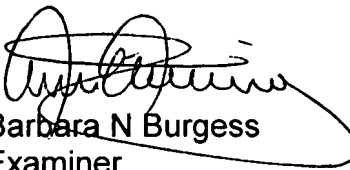
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Barbara N Burgess  
Examiner  
Art Unit 2157

November 25, 2007